

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

HARTFORD FIRE INSURANCE)	
COMPANY, et al.,)	
)	
Plaintiffs,)	C. A. No. 06-422-JJF
)	
v.)	
)	
INTERDIGITAL COMMUNICATIONS)	
CORPORATION, et al.,)	
)	
Defendants.)	
)	
INTERDIGITAL COMMUNICATIONS)	
CORPORATION, et al.,)	
)	
Counterclaim Plaintiffs,)	
)	
v.)	
)	
HARTFORD FIRE INSURANCE)	
COMPANY, et al.,)	
)	
Counterclaim Defendants.)	

JOINT STIPULATED MOTION TO MODIFY SCHEDULING ORDER

Pursuant to Federal Rule of Civil Procedure 16(b), plaintiffs/counterclaim defendants Hartford Fire Insurance Co. and Harford Casualty Insurance Co. (collectively “Hartford”) and defendants/counterclaim plaintiffs InterDigital Communications Corp. and InterDigital Technology Corp. (collectively “InterDigital”), through their undersigned counsel, hereby move the Court for an amended scheduling order and stipulate as follows:

1. This is an insurance coverage case in which Hartford and InterDigital dispute, *inter alia*, whether Hartford has or had any duty to defend InterDigital in *Nokia Corp., et al. v.*

InterDigital Communications Corp., et al., No. 05-16-JJF, United States District Court for the District of Delaware (the “*Nokia* action”).

2. The current Scheduling Order in this case was entered on August 2, 2007, and modified slightly on August 14, 2007.

3. Pursuant to the Scheduling Order, exchange and completion of interrogatories, identification of all fact witnesses, and document production shall be commenced so as to be completed by October 29, 2007. *See* 8/2/07 Order at ¶ 4(a). However, a Pre-Trial Conference in this case is not scheduled to take place until eleven months later on September 4, 2008. *See* 8/14/07 Order at ¶ 2.

4. In light of the parties’ discovery disputes – some, but not all, of which are the subject of pending motions and others of which may require further motion practice before this Court, it is not possible for the parties to complete written discovery by the current October 29, 2007 deadline.

5. Accordingly, Hartford and InterDigital hereby jointly request that the Court amend the existing Scheduling Order to extend the current discovery, pre-trial and other deadlines in light of the parties’ current discovery disputes and the pending motions to compel (2 motions), for protective order (2 motions) and for leave to file partial summary judgment (1 motion) before this Court.

6. Hartford served written discovery upon InterDigital in April, 2007, and again in September, 2007, including two sets of Interrogatories and two sets of Requests for Production

of Documents. Hartford also served Rule 30(b)(6) deposition notices on July 31, 2007 and September 12, 2007.

7. InterDigital responded by, in part, asserting certain objections to most of Hartford's requested discovery.

8. On September 12, 2007, Hartford filed two motions to compel discovery of InterDigital (D.I. 56 and D.I. 57) and, on September 24, 2007, InterDigital filed two responses in opposition to Hartford's two September 12th motions to compel (D.I. 61 and D.I. 62) and also filed two cross-motions for protective orders, (D.I. 63 and D.I. 64) to stay discovery pending adjudication of its motion for leave to file a motion for partial summary judgment (D.I. 58).

9. In addition to the pending discovery requests, Hartford plans to serve additional discovery. InterDigital, however, has advised Hartford that other written discovery or notices for depositions on topics similar and/or related to those subject to the pending discovery motions would be futile at this time because InterDigital will respond with similar motions for protective orders until such time as the Court rules on the pending cross-motions for protective orders and InterDigital's motion for leave to file partial summary judgment. Hartford also anticipates the need for additional written discovery and/or motions to compel¹ after Hartford receives further responses from InterDigital to Hartford's pending discovery.

10. Due to the parties' discovery disputes, the pending motions, and the further discovery and motion practice that is anticipated, it is not possible for the parties to complete discovery by the current deadline.

11. Rather than burdening the Court with additional motion practice, or serial requests for extensions of deadlines, while the Court has before it several motions that will guide the parties' future discovery efforts, the parties request that the Scheduling Order be amended to extend the remaining case deadlines, including the October 29, 2007 discovery deadline, as follows:

a. The written discovery deadline in paragraph 4(a) of the Scheduling Order be extended to a date ninety (90) days after entry of this Court's ruling on each of the five pending motions listed in paragraph 8 supra, including, if leave is granted to InterDigital to file its proposed motion for partial summary judgment, the Court's ruling on such motion for partial summary judgment; and

b. All other deadlines are suspended and, within ten (10) days of the Court's decision on the last pending motion referred to in Paragraph 8, supra, the parties shall submit a proposed scheduling order with suggested deadlines.

12. This proposed extension will allow the parties to learn the Court's decision concerning the proper scope of discovery while avoiding additional motion practice.

13. Pursuant to D. Del. L.R. 16.4, this request is being made prior to the expiration of the discovery deadline.

14. Pursuant to D. Del. L.R. 16.4(b), the undersigned counsel certify that they have forwarded a copy of this request for an extension of deadlines to their respective clients.

¹ For instance, InterDigital has not answered Hartford's September 2007 discovery but rather has filed a motion for protective order.

WHEREFORE, for good cause shown, the parties respectfully request that the Court enter a revised Scheduling Order consistent with the parties' proposal.

Respectfully submitted,

/s/ James S. Yoder
James S. Yoder
White and Williams LLP
824 N. Market Street, Suite 902
Wilmington, DE 19899
(302) 654-0424

Gale White
Anthony L. Miscioscia
White and Williams LLP
1800 One Liberty Place
Philadelphia, PA 19103
(215) 864-7000

Attorneys for Plaintiffs

/s/ Richard Horwitz
Richard Horwitz
Potter Anderson & Corroon LLP
Hercules Plaza
1313 North Market Street, 6th Floor
Wilmington, Delaware 19801
(302) 984-6000

Stephen J. Mathes
Arleigh P. Helfer III
Hoyle, Fickler, Herschel & Mathes LLP
One South Broad Street - Suite 1500
Philadelphia, PA 19107
(215) 981-5710

Attorneys for Defendants

Dated: October 12, 2007

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PROPOSED RULE OF ORDER

Upon consideration of the parties' Joint Stipulated Motion To Modify Scheduling Order, it is hereby ORDERED that:

- (1) the discovery deadline in paragraph 4(a) of this Court's August 2, 2007 Scheduling Order (as modified on August 14, 2007) is hereby extended until ninety (90) days after entry of this Court's ruling on each of the five pending motions, including, if necessary, InterDigital's proposed motion for summary judgment;
- (2) all other deadlines set forth in this Court's Scheduling Order are hereby suspended; and
- (3) within ten (10) days of the Court's disposition of the last pending motion under Paragraph (1) of this Order, the parties shall submit a proposed scheduling order with suggested deadlines in light of the Court's rulings on the pending motions..

J.